

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 26, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #2040

PROPOSAL: Develop a restaurant in an O-3, Office Park district.

LOCATION: 84th and Holdrege Streets.

LAND AREA: 1.8 acres, more or less.

CONCLUSION: In Conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 1, Block 1 Eagle Crest Addition.

EXISTING ZONING: O-3, Office Park.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	O-3, Office Park
South:	Bank	O-3, R-3, Residential
East:	Agriculture and Church	AG, Agricultural
West:	Commercial and Undeveloped	B-2, Planned Business

ASSOCIATED APPLICATIONS: Use Permit #142A.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Commercial in the Land Use Plan (page F-25).

HISTORY: Use Permit #124, Eagle Crest for a 5,000 square foot bank, was approved by Planning Commission on **December 12, 2001**.

City Council approved Preliminary Plat #00006, Special Permit #1839, Use Permit #128, and Change of Zone #3255 for Morning Glory Estates to the north of Holdrege Street on **July 30, 2001**.

City Council approved Preliminary Plat #00026 and Special Permit 1881, Eagle View Community Unit Plan for 12 dwelling units south of this area on **April 9, 2001**.

City Council approved Change of Zone #3171 from AG, Agricultural to O-3, Office Park and R-3, Residential in the area of this use permit on **September 20, 1999**.

City Council denied Special Permit #1370, Sunrise Hills 3rd Addition Community Unit Plan for 15 single family units, 36 multi-family units, two outlots and a church on the area and adjacent area of this use permit on **July 30, 1990**.

City Council approved Special Permit #1311, Sunrise Estates Community Unit Plan for 28 dwelling units to the south and east of this site on **July 31, 1989**.

The area was zoned A-A, Rural and Public Use District until it was updated to AG, Agricultural in **1979**.

TRAFFIC ANALYSIS: N. 84th Street is classified as an Urban/rural principal arterial in the Comprehensive Plan. Eagle Crest Road is classified as a local street in the Comprehensive Plan.

Holdrege Street is to be widened in 2004. A median will prevent left turning access for the restaurant area. The Public Works and Utilities Department has an executive order for the paving of a portion of Holdrege Street at this time.

ANALYSIS:

1. This is a request to allow a restaurant in the O-3 zoning district. The O-3 district is an office district, however, Section 27.63.390 allows restaurants in the O-3 district by special permit. There are no waivers needed or requested with this application. There are no special requirements other than those which already apply in the O-3 district.
2. There is no statement of intent in the special permit section of the Zoning Ordinance for restaurants in the O-3 district. Therefore, it is difficult to conclude that restaurants are intended only in certain conditions, such as restaurants should serve large office areas for convenience. Based on an acceptable traffic level, agreed upon access points and consistency with the Comprehensive Land Use Plan, the request is reasonable. There are office areas to the north and south which this restaurant can serve, in addition to the general public.
3. Research through the history of special permits or combined special permits and use permits indicated that three permits approved restaurants in an O-3 District. The Grandmother's restaurant at 70th and A Street operates with a special permit, there is an approved restaurant at N. 24th and Superior Streets near the Lincoln

Federal Savings Bank which is not yet built, and an approved restaurant in the Stockwell Office Park at 13th and Stockwell Streets.

4. The Public Works and Utilities Department indicated that the AM and PM peak trips generated from a General Office Building (based on a 25% floor area ratio) is 33 & 35 trips respectively. The AM and PM peak trips generated by from the proposed 2,600 SF Fast-Food Restaurant with Drive-Through Window is 130 & 87 respectively. These figures were calculated using methods described in Trip Generation 6th Addition from the Institute of Transportation Engineers. The Public Works and Utilities Department determined that the difference is acceptable.
5. The fire station has agreed to a shared drive access to Holdrege Street as shown on the site plan. The fire station has also agreed to dedicate the access easement for drive access from the restaurant lot to Eagle Crest Road.
6. Parking lot screening is required adjacent all public streets and private roadways. The landscape plan does not show this screening and must before the plan is approved. In lieu of showing the screening at this time, the developer may add a note to the site plan indicating that all landscaping and screening shall meet design standards and will be shown at the time of building permit.
7. A final plat is in process to split the rural fire stations lot into two parcels, one for the proposed restaurant and another for the fire station. If the plat is completed prior to the final approval of this special permit, legal descriptions must be updated to reflect the newly created lot on which the special permit for restaurant is located.
8. The detention facility was reconfigured for the proposed road which extends from the restaurant through the fire station lot. The Watershed Management indicated that the detention facility must slope a minimum of 2% toward the outlet by code. This must be revised to meet code.
9. The Public Works and Utilities Department had several comments, which are explained in their attached memo. Additional right-of-way must be dedicated, sidewalks must be shown as 5', the location of the trash enclosure better explained or relocated, and the eastern drive access relocated to the satisfaction of the Public Works and Utilities Department.
10. Public Works and Utilities Department noted that it appears that the driveway shown connecting the Sonic lot to Eagle Crest needs to be shown in a common access easement. Also, 3.2 of section 4.00 of the City of Lincoln Design Standards states that driveway return radii may not extend beyond the property line extended of the lot the drive is meant to serve without written permission from the adjoining property owner. This plan shows the driveway return extending past the

property line and will require permission from West Gate Bank. The applicant has the option of moving the drive to the north so that there is no overlap of the drive and southern property line.

CONDITIONS:

Site Specific:

1. This approval permits a restaurant in the O-3, Office Park district.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan including 7 copies showing the following revisions:
 - 2.1.1.1 Show all required screening and landscaping or add a note to the landscape plan indicating that all landscaping and screening shall meet design standards and will be shown at the time of building permit.
 - 2.1.1.2 Combine the building floor area into one number on the building.
 - 2.1.1.3 Make it clear on the site plan which is the area of the special permit, versus the use permit.
 - 2.1.1.4 If the plat is completed prior to the final approval of this special permit, legal descriptions must be updated to reflect the newly created lot on which the special permit for restaurant is located.
 - 2.1.1.4 Revise the detention facility to the satisfaction of the Watershed Management Department.
 - 2.1.1.5 Make revisions to the satisfaction of the Public Works and Utilities Department.
 - 2.1.1.6 Correct the spelling error in the plant material table.

- 2.1.1.7 Move the drive across the fire station lot so that it does not create a driveway return radii problem which would require permission from the adjacent lot owner.
 - 2.1.1.8 Provide evidence that the drive access easement to the east of this property over the fire station lot is deeded to the city, either by deed or final plat.
- 2.2 The construction plans comply with the approved plans.
- 2.3 Final plat(s) is/are approved by the City.
- 2.4 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this restaurant all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
- 4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

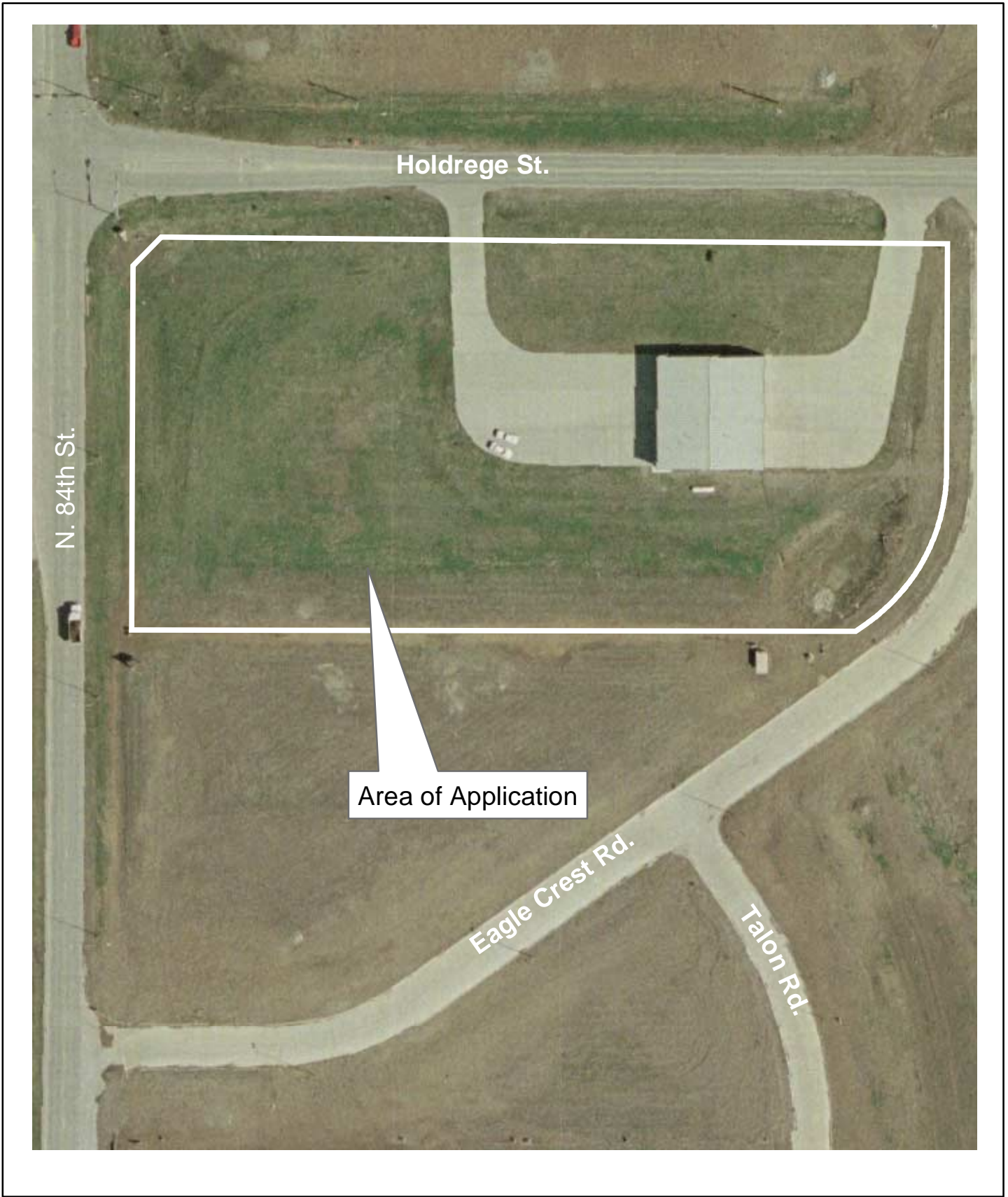
Becky Horner
Planner

DATE: November 14, 2003

APPLICANT: Cutchall Management Company
14353 Q Street
Omaha, NE 68137

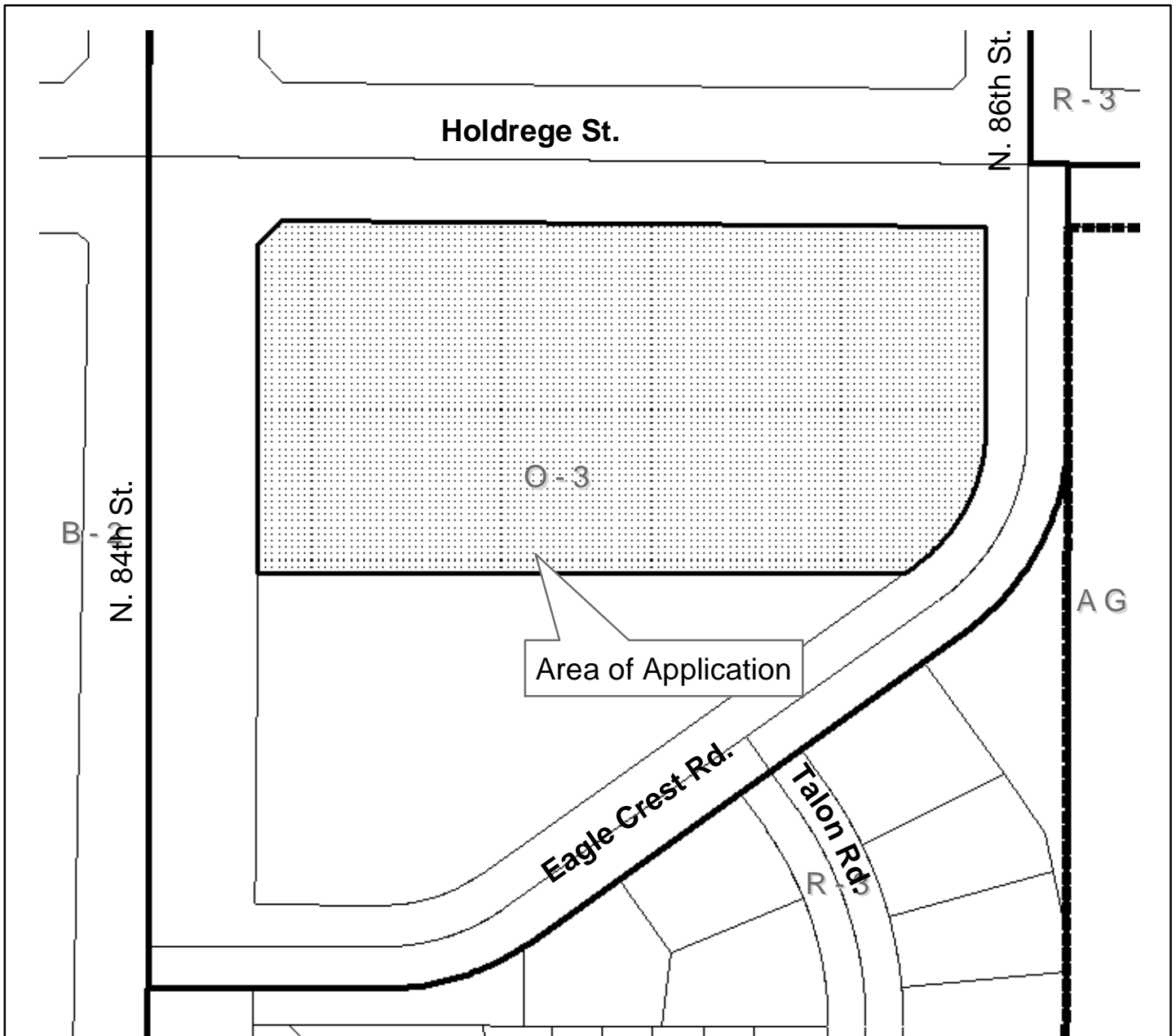
OWNER: Southeast Rural Fire Protection District
11300 Pioneers Boulevard
Walton, NE 68461

CONTACT: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402)474-6311



**Special Permit #2040
N. 84th & Holdrege St.**



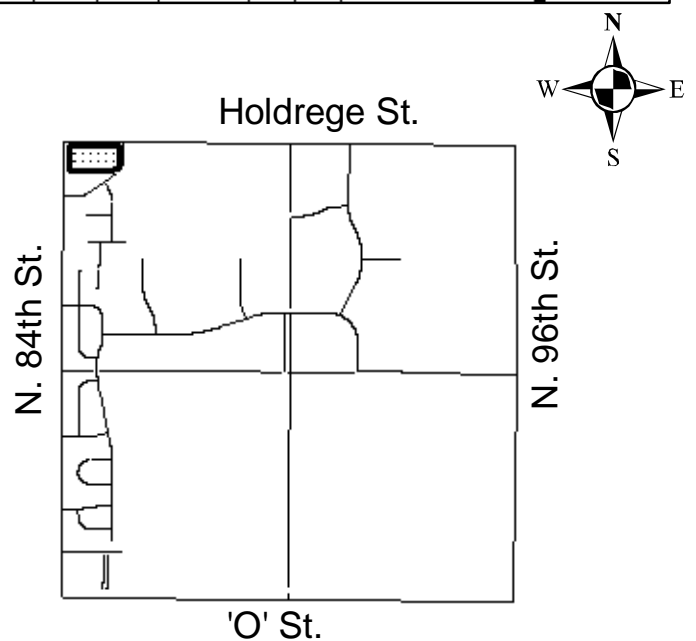
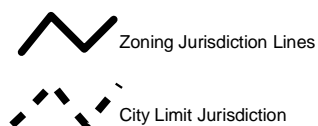


Special Permit #2040 N. 84th & Holdrege St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T10N R7E





OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

30 October 2003

Mr. Marvin Krout, Planning Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Sonic Restaurant
North 84th & Holdrege Street
Use Permit
OA Project No. 2003-0485

Dear Mr. Krout:

Enclosed find the following revised drawing for the above-mentioned project:

1. City of Lincoln Zoning Application
2. Application Fee (\$740.00)

On behalf of the Developer, Cutchall Management Co., 14353 Q Street, Omaha, NE. 68137 we are requesting a use permit for lot 1, block 1 Eagle Crest Addition for a proposed Sonic Restaurant. No waivers of the design standards are being requested.

Please call, if you require further information or have any questions.

Sincerely,

Tim Gergen, P.E.

Enclosures

cc Greg Cutchall, Cutchall Management Co.

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Sonic Restaurant Special Permit #2040
Date:	11/10/03
cc:	Randy Hoskins

Engineering Services has reviewed the submitted Special Permit #2040 for Sonic, located at the southeast corner of 84th Street and Holdrege Street, and has the following comments:

- In note #7, reference is made to a 4' sidewalk along 84th Street and Holdrege Street. This needs to be changed to 5' sidewalk.
- The eastern most driveway for the fire station that accesses Holdrege Street needs to be relocated to take access off of Eagle Crest Road.
- As per the approved Comprehensive Plan, additional right of way should be dedicated to equal at least 65' south of the Holdrege Street centerline for a distance of 700' east of 84th Street.
- The sidewalk along 84th Street and Holdrege Street needs to be shown. Additional right of way may need to be shown at the intersection of 84th and Holdrege to accommodate the sidewalks.
- The trash enclosure is shown on a 3:1 slope. If a retaining wall is intended it needs to be shown on the plans. If a wall is not intended an alternate location for the trash enclosure needs to be shown.

INTER-DEPARTMENT COMMUNICATION



DATE: October 28, 2003

TO: Becky Horner, City Planning

FROM: Sharon Theobald
Ext. 7640

SUBJECT: DEDICATED EASEMENT - Special Permit #2040
DN # 14N-84E

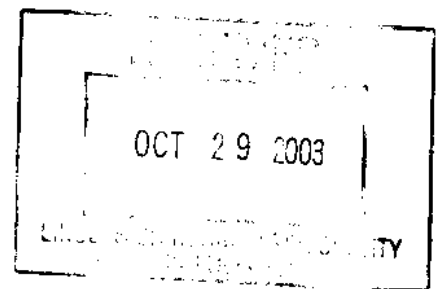
Attached is the Site Plan for Sonic Restaurant.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



Richard J Furasek

To: Rebecca D Horner/Notes@Notes

10/27/2003 12:01 PM

cc:

Subject: Sonic

Upon review of special permit # 2040, we find it acceptable from the perspective of our department.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

message to Becky Horner



UTILITIES DEPARTMENT

PUBLIC WORKS AND



MEMORANDUM

Date

To

From

Subject

November 3, 2003

Becky Horner
Ben Higgins, Dennis Bartels

Devin Biesecker

Van Dorn Acres Addition

Below are Watershed Management's comments on Special Permit for Sonic. Comments are based on a two sheet plan set stamped Oct 20, 2003 by the Planning Department.

1. The bottom of the detention facility must slope a minimum of 2% toward the outlet as stated in the City of Lincoln Drainage Criteria Manual, Section 6.4.4.2. This will aid in preventing standing water and allow for maintenance of the facility bottom.



Chad E Blahak

11/18/2003 11:13 AM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Sonic

Becky, here are comments on the issues we discussed:

1. The driveway shown connecting the Sonic lot to Eagle Crest needs to be shown in a common access easement. Also, 3.2 of section 4.00 of the City of Lincoln Design Standards states that driveway return radii may not extend beyond the property line extended of the lot the drive is meant to serve without written permission from the adjoining property owner. This plan shows the driveway return extending past the property line and will require permission from West Gate Bank.
2. The AM and PM peak trips generated from the allowable 22,000 SF General Office Building is 33 & 35 trips respectively. The AM and PM peak trips generated by from the proposed 2,600 SF Fast-Food Restaurant with Drive-Through Window is 130 & 87 respectively. These figures were calculated using methods described in Trip Generation 6th Addition from the Institute of Transportation Engineers.
3. The Holdrege Street entrance will be a right-in right-out only when Holdrege is improved. The approximate time for improvements to Holdrege is 2004.